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5 Attorneys for Defendants XET
Holdings Co., LLC., and Xsient
6 Technologies, LLC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

16 Defendants XET Holdings, Co., LLC [XET] and Xsleant Technologies, LLC [XT] respectfully
17 show:

18 **1. The citizenship of the parties.** Jurisdiction in this case is founded solely upon
19 diversity of citizenship pursuant to 28 U.S.C. §1332. According to the complaint (¶9) plaintiff
20 XS Holding BV [XS] is a Dutch corporation.

21 • **XT.** Defendant (and derivative plaintiff) XT is an LLC and is owned by its
22 members XS (a Dutch corporation)(¶18), Atira Technologies, LLC [Atira], and Xslent, LLC
23 [Xslent] whose memberships are predominantly Californian. For diversity purposes, LLC's such
24 as XT are citizens of *all* of the places of citizenship of *each* of their members. (Oddly enough, an
25 LLC's place of formation is irrelevant for jurisdictional analysis). *Johnson v. Columbia*
26 *Properties* (9th Cir. 2006) 437 Fed. 3rd 894, 899. See also the thoughtful and succinct analysis by
27 Judge Jenkins of this court in *Thiara v. Kiernan* (2006) 2006 WL 3065568.

Because one of XT's members (XS) is a Dutch citizen, XET is *also* a Dutch citizen.

1 Diversity jurisdiction is destroyed.

2 ● **XET.** A substantially identical analysis just set out applies to XET as well.

3 XET's members are XS (a Dutch corporation) and XT which, for diversity purposes, is also a
4 Dutch entity.

5 **2. Conclusion.** This court lacks subject matter jurisdiction because there is not complete
6 diversity of citizenship between the plaintiffs (including XS) and the defendants XT and XET
7 (both of which are Dutch citizens).

8

9 DATED: MAY 5, 2008

SILICON VALLEY LAW GROUP

10 By: /s/ Christopher Ashworth
11 CHRISTOPHER ASHWORTH